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| In re Application of | : | |
| Tao Chen | : | DECISION ON PETITION |
| Application No. 09/900,272 | : | UNDER 37 CFR 1.137(b) |
| Filed: July 6, 2001 | : | |
| Attorney Docket No. PA 010368 | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed March 28, 2006, to revive the above-identified application.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely and proper manner to the final Office action mailed September 26, 2005, which set a shortened statutory period for reply of three (3) months. Accordingly, the application became abandoned on December 27, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a Request for Continued Examination and a submission, paid the requisite fees, and made the proper statement of unintentional delay. Accordingly, the petition is **granted**.

Petitioner submitted a request for an extension of time for response within the third month. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). The \$1,020.00 extension of time fee submitted on March 28, 2006, was subsequent to the maximum extendable period for reply. Therefore, the USPTO will be credited this amount to petitioner's deposit account.

This matter is being referred to Technology Center Art Unit 1253.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

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